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WASHINGTON — Taking a narrower view than the Supreme Court has, Attorney General Benjamin R. Civiletti yesterday issued rules limiting occasions in which the Justice Department can sue past or present government workers for publishing official secrets.

Department sources, who asked not to be named, said that Civiletti had rejected arguments from some U.S. intelligence agencies that the rules be drawn along the lines of a broad Supreme Court decision last February. That ruling came in the case of former CIA officer Frank W. Snapp 3d, who wrote *Decent Interval*, a book about the fall of South Vietnam to the communists.

Civiletti's guidelines, which took effect when he signed them Tuesday, bar suits against employees who have not signed government secrecy agreements, except when their disclosures will pose a serious and imminent threat to the national security and foreign policy of the United States. The rules will affect all government agencies with such secrecy agreements, including the CIA, the FBI and the Defense Intelligence and National Security Agencies, because they must have Justice Department approval to sue.

The Supreme Court ruled that Snapp had violated his secrecy agreement by not seeking advance clearance for his writing even though the government never contended that he disclosed any classified information. It ordered him to give the government all earnings from the book, and he has turned over a \$140,000 check.

But the court also said that the government could sue employees who had not signed secrecy agreements if they had "access to confidential sources" that put them in a trust relationship with the government.

Critics of Snapp's prosecution have emphasized that he disclosed no secrets and contend that he was being sued for his criticism of the CIA. Civiletti's guidelines forbid consideration of the political content of a disclosure or the political viewpoint of its author in government decisions on whether to sue.

The guidelines also require government attorneys to weigh whether the disclosure contained secrets and how serious they were, although they do not absolutely bar suits involving nonclassified information.

While Civiletti's guidelines allow

Civiletti issues rules to limit U.S. suits over secrecy



Benjamin R. Civiletti
Takes more narrow view

the government to seek all the proceeds from a book or article, they require government lawyers to consider seeking only part of the earnings and state that the government "does not seek to reduce defendants to penury."

Last March, the government sued former CIA officer John R. Stockwell for failing to let the CIA have prior review of his 1978 book, *In Search of Enemies*, about its activities in Angola. The government had sought all the proceeds from book but settled in June for only the future earnings from it because Stockwell said he was broke.

The guidelines allow the government to seek a court order to prevent publication of information but warn that such a suit is viewed "by the department as an extraordinarily serious matter that should be undertaken only after the most searching scrutiny of the strength of the government's case."

Earlier this year, the Justice Department sued to prevent publication of *Dirty Work II: The CIA in Africa*, on which former CIA agent Philip Agee had worked. The book purported to name CIA undercover agents in Africa, but it had already reached bookstores before the government filed its court papers.

U.S. District Judge Gerhard Gesell ruled that Agee must submit future works for review in accordance with his secrecy agreement but denied the government's request for the proceeds from his previous, uncleared writings about the agency.

Civiletti's guidelines require that all suits be approved by the attorney general or his designee, and they apply to all ranks of employees.